

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 7-21 are reinstated by amendment of claim 7 to depend from allowable claim 58. Claims 10, 12, 13 and 15 have been amended to remove "means" language. Claim 21 has been amended and is now fully supported by Figure 21. Claim 58 has been amended to correct claim language that was inadvertently submitted in Applicant's Amendment filed on December 29, 2003. The limitation "a second dampener providing for dampened axial displacement of said first piston through said first piston chamber," has been amended to read, "a second dampener providing for dampened axial displacement of said second piston through said second piston chamber." The amended language is consistent with the description provided in the present specification whereas the previously submitted language of claim 58 was inconsistent with the present specification. No new matter has been added.

Interview Summary

Applicant's representative Joshua Randall (Reg. No. 50,719) and Examiner Williams conducted a telephone interview on May 4, 2004, to discuss proposed amendments to claim 58. Agreement was reached as to the allowability of claim 58. The Examiner also proposed cancellation of withdrawn claims 22-52 and reinstatement of claims 7-21 by amending claim 7 to depend from allowable claim 58. The Examiner also reiterated the lack of support in the Figures for the limitations of claim 21 and suggested cancellation of that claim.

The parties conducted a further telephone interview on May 25, 2004, to discuss a proposed amendment to claim 21. The Examiner agreed that the proposed amendments provided support for claim 21 in Figure 20 of the application. The Examiner also agreed to permit removal of the "means" language from dependent claims 10, 12, 13 and 15. Applicant kindly thanks the Examiner for his time and consideration.

§102 Rejection

Claim 58 was rejected under 35 U.S.C. §102(b) as being anticipated by US 5,098,120 (Hayashi). Applicant respectfully traverses this rejection.

Hayashi fails to disclose a second piston chamber that includes "a second dampener providing for dampened axial displacement of said second piston through said second piston chamber," as required by claim 58. The second cylinder and piston arrangement disclosed by Hayashi does not provide a dampening function. The second cylinder and piston function to adjust the height of a vehicle by injecting oil into either the upper or lower part of the second cylinder. Once oil has been injected into the cylinder, the cylinder chamber is sealed, thus preventing any displacement of the piston within the piston chamber. The height adjustment mechanism disclosed by Hayashi changes the stroke of the shock absorber rather than providing any shock absorption or dampening function. Therefore, Applicant submits that Hayashi fails to disclose every limitation of claim 58.

§103 Rejections

Claims 59 and 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of U.S. 2,774,446 (Bourcier De Carbon). Applicant respectfully traverses this rejection.

As discussed above, Hayashi fails to disclose every limitation of claim 58. Applicant further submits that Hayashi fails to suggest every limitation of claim 58. Bourcier De Carbon fails to remedy the deficiencies of Hayashi as it relates to claim 58. Therefore, claims 59 and 60 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not concede the correctness of this rejection.

Claims 63-66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayashi in view of U.S. 4,858,898 (Niikura). Applicant respectfully traverses this rejection.

As discussed above, Hayashi fails to disclose or suggest every limitation of claim 58. Niikura fails to remedy the deficiencies of Hayashi as it relates to claim 58. Therefore, claims 63-66 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not concede the correctness of this rejection.

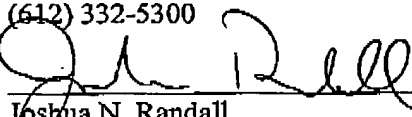
Applicant thanks the Examiner for the indication of allowable subject matter in claims 61, 62, 67 and 68.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney below at (612) 336-4755.

Respectfully submitted,

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